IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2729 of 2006

M/S.HEM RAJ SURAJ MAL & ORS.
V/S
A.D.J.NAGAUR & ANR.

Mr. MC BHOOT, for the appellant / petitioner

Mr. G.R. PUNIA, for the respondent

Date of Order : 9.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The matter comes up on the stay application. However, with the consent of the learned counsel for the parties, the matter has been heard on merits itself.

The only submission made by learned counsel, assailing the impugned order is that the learned trial Court has erred in dismissing the application for amendment of the written-statement.

I have considered the submission.

The learned trial Court has dismissed the application for amendment of the written-statement on the ground that earlier the petitioner deliberately pleaded in the written-statement to be not filing counter-claim, as it has become barred by time. Part of this pleading is sought to be amended by deleting some part of this pleading, which amendment has been refused. In the totality of

circumstances, I do not find any error in this part of the order, so as to require interference in my writ jurisdiction. However, it will be open to the petitioner to assail the correctness, legality, or propriety of the order in appeal if necessity so arises, and if the petitioner so stands advised.

The writ petition is, accordingly, dismissed with the aforesaid observations.

(N P GUPTA),J.

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